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February 21, 2024

Via ECF

The Honorable Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square, Room 430
New York, NY 10007

Re: *In re Terrorist Attacks on September 11, 2001*, 03-md-1570 (GBD) (SN)

Dear Judge Netburn:

I write on behalf of Defendant Kingdom of Saudi Arabia (“Saudi Arabia”) concerning Plaintiffs’ February 9, 2024 letter (ECF No. 9572), as directed by the Court’s memo endorsement (ECF No. 9578). Plaintiffs propose unsealing and redacting certain filings and exhibits related to the Court’s January 26, 2024 Order (ECF No. 9562) resolving Saudi Arabia’s and Dallah Avco’s motions to strike (ECF Nos. 9500, 9501). The parties have met and conferred about Plaintiffs’ request.

Saudi Arabia has no objection to publicly filing the following documents associated with the Court’s January 26 Order: ECF Nos. 9500, 9500-05, 9501, 9504, 9505, 9510, 9560, and 9571.

Saudi Arabia opposes publicly filing ECF No. 9500-4 (Exhibit D to Saudi Arabia’s motion) and ECF Nos. 9500-07 and 9500-08 (portions of Exhibit F to Saudi Arabia’s motion), which contain multiple images of minor children that are not relevant to any substantive issue in this litigation and should be redacted. *See* ECF No. 9500-4, at 11 (Images 1 and 4), and ECF Nos. 9500-07 and 9500-08 at Annex 7 (N7) and Annex 8 (Images 24, 26, and 27). Plaintiffs have agreed to redact the foregoing to obscure the faces of individuals who were minors at the time, reserving the right to request unsealing as to individuals who are no longer minors. Saudi Arabia does not object to publicly filing these exhibits with the redactions Plaintiffs have agreed to make.

Plaintiffs’ letter proposed unsealing “the video and documentary evidence produced by the MPS and cited in the declarations submitted for the Court’s consideration.” ECF No. 9572, at 3. Saudi Arabia sought clarification about which files Plaintiffs proposed unsealing. Plaintiffs informed Saudi Arabia that it seeks to unseal two files submitted with Plaintiffs’ averment.

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Those files were not attached as exhibits to any of the filings associated with the Court's January 26 Order. Saudi Arabia therefore objects to Plaintiffs' request and proposes that the documents be reviewed and filed on the same timeline as the other documents associated with the parties' motion to dismiss briefing.

Dallah Avco takes no position on whether the documents cited in the Court's order, ECF No. 9578, should be sealed.

The parties are continuing to meet and confer about the remaining documents associated with the Court's January 26 Order, and Saudi Arabia proposes that the parties provide a status report by February 28, 2024.

Respectfully submitted,

/s/ Michael K. Kellogg

Michael K. Kellogg
Counsel for the Kingdom of Saudi Arabia

cc: All MDL Counsel of Record